

## **REMARKS/ARGUMENTS**

Applicant has studied the Office Action of December 6, 2004 and made amendments to the claims, as indicated hereinabove, to place the application in condition for allowance. No new matter has been added.

Claim 1 has been amended to define Applicant's invention over the cited prior art. Claims 2 – 18 have been cancelled. New claims 19 – 29 have been added, as indicated hereinabove. Therefore, claims 1 and 19 – 29 are presently pending.

### **Claim Objections**

Claim 2 has been objected to because of the limitations “one or more stays.” Claim 2 has been canceled, as indicated hereinabove, rendering the Examiner's objections thereto moot.

### **Claim Rejections Under 35 U.S.C. §102**

Claims 1 – 18 stand rejected under 35 U.S.C. §102(b) as being anticipated by Frey (U.S. Patent 1,034,008). Frey is directed to a door hinge that is actuated by the weight of a door attached thereto when transitioning from opened to closed state.

The Examiner asserts that Frey anticipates Applicant's claimed invention, as shown by the hinge structure of Figs. 1, 3 and 5 and as described on page 1, lines 80 – 86.

Applicant respectfully submits that the presently claimed invention is patentably different from the hinge structure of Frey. Specifically, there is no teaching in Frey in regard to a second leaf being configured to slide on a hinge pin substantially within a vertical plane defined by a first leaf under the force of gravity until the second leaf is automatically locked relative to the first leaf, as recited in amended claim 1.

Frey teaches away from the claimed invention by reciting instead that “the weight of the door will force the inclined surface of the collar of the door member of the hinge to slide down the inclined surface of the co-acting collar of the frame member, thereby swinging the door to a closed position”, page 1, lines 80 – 86, see Figs. 1 – 3. Also, the “collars are turned by the hinge members to bring the inclined surfaces of the collars into and out of engagement”, page 1, lines 91 – 93.

Clearly, hinge member 2 (Fig. 1) does not slide within a vertical plane defined by hinge member 1 (Fig. 1) under the force of gravity (Figs. 1-5), as claimed by Applicant. Moreover, hinge member 2 is not configured to automatically lock relative to hinge member 1 under the force of gravity (Figs. 2-3), as further claimed by Applicant.

Applicant respectfully submits that for a reference, such as the Frey reference, to function under 35 U.S.C. §102(b), the reference must within the four corners of that document disclose each and every element that is set forth in the claim against which it is applied. Furthermore, every element of the claimed invention, as recited in the claims, must be disclosed either specifically or inherently by a single prior art reference. See, *Minnesota Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics*,

*Inc.*, 976 F.2d 1559, 1565 (Fed.Cir.1992); *Scripps*, 927 F.2d at 1576-77; *Lindemann Maschinenfabrik GMBH, v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1458 (Fed.Cir.1984).

Since the Frey reference does not anticipate in any way the invention, as recited in amended claim 1, Applicant respectfully requests withdrawal of the 102(b) claim rejections in regard to this claim. Claims 2 – 18 have been canceled, as indicated hereinabove, rendering the Examiner's rejections thereto moot.

### **Conclusion**

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Applicant believes that the claimed invention, as amended, is in condition for allowance. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call the undersigned attorney at the telephone number listed herein below to discuss any steps necessary to place the application in condition for allowance.

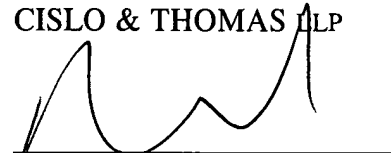
In the event that any fees are due, the Examiner is authorized to charge our

Application No. 10/621,487  
Amendment dated March 7, 2005  
Reply to Office Action of 12/06/04  
Attorney Docket No. 03-12180

USPTO Deposit Account # 03-2030. A duplicate of this authorization is enclosed.

Respectfully submitted,

CISLO & THOMAS LLP

  
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7<sup>th</sup>  
Date: March \_\_, 2005

DMC/MM:cjh

Enclosures:

Acknowledgement Postcard

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